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OSHA LIANG L.L.P. TWO HOUSTON CENTER 909 FANNIN, SUITE 3500 HOUSTON, TX 77010				
EXAMINER				
PEREZ, JULIO R				
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE		DELIVERY MODE		
10/01/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary**Application No.**

10/537,178

Applicant(s)

WENDLING, BERTRAND

Examiner

JULIO R. PEREZ

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/17/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1, 6, 9, 10, 11, 12 are objected to because of the following informalities:
In all instances, in all these claims objected, wherein "receiver/decoder" appears, please change to -- receiver or decoder --. For instance, claim 1, lines 5, 7, and 11; claim 6, line 5. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Flowers et al. (2003/0105812).

Regarding claims 1, 9, 11, Flowers discloses a method for distributing a message from a message administration service to a subscriber receiver of a digital multimedia network (Figure 2, #'s 51, 11, 17, 65, 57), the method comprising: retrieving a point-to-point communication address for said receiver (Figure 2, #'s 67, 71; pars. 20-22; 25-27, communication between the server and mobile network and device or receiver, which receives the multimedia data); transferring a determined message for a determined receiver from the message administration service to a point-to-point communication

system that is operatively connected to the receiver and is distinct from the digital multimedia network, wherein the determined message comprises access rights pertaining to the reception of data by the digital multimedia network (pars. 20-22; 25-27, 29, 30-33, 51-52); buffering the determined message in the point-to-point communication system (pars. 25-27, 29, 30-33, 51-52); retrieving, at the determined receiver, the determined message from the point-to-point communication system (pars. 20-22; 25-27, 29, 30-33, 51-52); and loading the determined message into the receiver and updating the access rights related to the reception of data by the digital multimedia network (pars. 20-22; 25-27, 29, 30-33, 51-52).

Regarding claim 2, Flowers discloses claim 1, further comprising: buffering the determined message at an emitter point in the point-to-point communication system corresponding to the message administration service ((Figure 2, #'s 67, 71; pars. 20-22; 25-27; generating a signal of availability at the receiver, triggering for emission of the determined message (Figure 2, #'s 67, 71; pars. 20-22; 25-27; 30-33, 51-52); and upon reception of the signal of availability, emitting the determined message to the receiver (pars. 20-22; 25-27, 29, 30-33, 51-52).

Regarding claim 3, Flowers discloses claim 1, further comprising: receiving the determined message at the receiver (pars. 21,-22, 24-25); and buffering receive the determined message at the receiver (pars. 21,-22, 24-25).

Regarding claim 4, Flowers discloses claim 1, further comprising:
generating a confirmation of receipt at the receiver (pars. 21,-22, 24-25; 51-53); and

emitting the confirmation of receipt to an emitter point (pars. 20-22; 25-27, 29, 30-33, 51-52).

Regarding claim 5, Flowers discloses claim 4, in which the confirmation of receipt comprises one of at least one of a plurality of items of additional information selected from the group consisting of a status of the receiver decoder, a status of a daughter smartcard used with the receiver decoder, and a version number of an element of the receiver decoder (pars. 20-22; 25-27, 29, 30-33, 51-52).

Regarding claim 6, Flowers discloses claim 5, further comprising: extracting the at least one item of additional information from the confirmation of receipt; and evaluating the at least one item of additional information to determine a legal status of the receiver (pars. 20-22; 25-27, 29, 30-33, 51-52).

Regarding claim 7, Flowers discloses claim 1, in which the point-to-point communication system is a mobile phone network (Figure 2 # 65).

Regarding claim 8, Flowers discloses claim 1, wherein the message administration service being included as part of a Subscriber Authorization System (Figure 2, #'s 65, 51, 57).

Regarding claim 10, Flowers discloses claim 9, further comprising: retrieving the access rights message from the storage into the determined receiver (pars. 20-22; 25-27, 29, 30-33, 51-52; Figure 2, #'s 65, 51, 57).

Regarding claim 12, Flowers discloses claim 11, wherein the mobile phone modem may receive the access rights message from the mobile phone network and store the access rights message independent of a status of the receiver (pars. 20-22; 25-27, 29, 30-33, 51-52).

Regarding claim 13, Flowers discloses claim 2, further comprising: receiving the determined message at the receiver and buffering the determined message at the receiver (pars. 20-22; 25-27, 29, 30-33, 51-52).

Regarding claim 14, Flowers discloses claim 2, further comprising: generating a confirmation of receipt at the receiver; and emitting the confirmation of receipt to the emitter point (pars. 20-22; 25-27, 29, 30-33, 51-52).

Regarding claim 15, Flowers discloses claim 3, further comprising: generating a confirmation of receipt at the receiver; and emitting the confirmation of receipt to the emitter point (pars. 20-22; 25-27, 29, 30-33, 51-52).

Response to Arguments

4. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JULIO R. PEREZ whose telephone number is (571)272-7846. The examiner can normally be reached on 10:30 - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Julio R Perez/
Examiner, Art Unit 2617

9/21/08

/Duc Nguyen/
Supervisory Patent Examiner, Art Unit 2617